IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Court No.3

W.P. No. 1066(M/S)/2003

Dilbagh Singh ….Petitioner.

Vs.

Kamaljeet Kaur ….Respondent.

Hon'ble Irshad Hussain, J.

Heard Sri Vivek Pathak learned counsel for petitioner and perused the record of the petition.

2- The respondent Smt. Kamaljeet Kaur has preferred a petition under section 24 of the Hindu Marriage Act for awarding her maintenance allowance. The learned Principal Judge, Family Court on the basis of evidence adduced was of the view that the monthly income of the husband-petitioner being Rs 3000/- per month, he is in a position to pay Rs. 1000/- per month as interim maintenance to the wife. Accordingly he passed the order awarding interim maintenance to that extent. Further, a sum of Rs. 1000/- in lump sum was awarded as expenses towards litigation.

3- The learned counsel for the petitioner submitted that the petitioner is a labourer and his income has wrongly been assessed by the Principal judge. From the perusal of the impugned order it is evidence that it was found that the petitioner was possessed of agricultural land as well as few shops and he has sufficient income to pay that much amount. Learned counsel for the petitioner disputed the finding on the ground that in fact there was no such evidence on the record. Even if it is to be accepted the petitioner appear to be an able bodied person and even if he is a labourer he can very well pay a sum of Rs. 1000/- per month as interim maintenance which in these hard days will be reasonable one.

4- In view of above the petition is dismissed in limine.

Dated: 22-10-03 **(Irshad Hussain, J.)**

ISB